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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,461	06/28/2000	Yasuaki Yamagishi	SUGI-T0730	6136

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EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,461

Applicant(s)

YAMAGISHI ET AL.

Examiner

CESAR B. PAULA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the RCE filed on 11/22/2004.

This action is made Non-Final.

2. In the amendment, claims 1-10 are pending in the case. Claims 1, 4-5, 8, and 10 are independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), and based on application # P11-186491 filed in Japan on 6/30/1999, which papers have been placed of record in the file.

Drawings

4. The drawings filed on 6/28/2000 have been accepted by the examiner.

Specification

5. Appropriate corrections have been made to the abstract. Therefore, the objections have been withdrawn.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-10 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites the limitation "the nodes at lower hierarchical levels" in line 6. There is insufficient antecedent basis for this limitation in the claim. There is no previous "nodes at lower hierarchical levels" in this claim to refer to.

9. Claim 4 recites the limitation "the nodes at lower hierarchical levels" in line 7. There is insufficient antecedent basis for this limitation in the claim. There is no previous "nodes at lower hierarchical level" in this claim to refer to.

10. Claim 5 recites the limitation "the nodes at lower hierarchical levels" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim. There is no previous "nodes at lower hierarchical level" in this claim to refer to.

11. Claims 7-8, and 10 contain the same deficiencies described for the claims above. Therefore are similarly rejected.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Saether et al, hereinafter Saether (Pat. # 6,405,219 B2, 6/11/2002, filed on 9/24/1999, provisional filed on 6/22/1999), in view of Greer et al, hereinafter Greer (Pat. # 5,978,828, 11/2/199, filed on 1/13/1997).

Regarding independent claim 1, Saether discloses the copying or transmitting, and updating of a tree in a file directory structure located on primary global, and content servers, from a tree located in a source server. In this instance, the file directory tree is made up of directories (fig. 5A, 'A', 'B', and 'D1')—*container entries*--, and subdirectory—*leaf entry*—directly underneath directory "D1"—*information of the nodes at lower hierarchical levels*--, which does not contain or include any subdirectories beneath it (fig. 5A 'C')-- (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67).

Moreover, Saether discloses the identification of a different or changed file—directory, or subdirectory in the tree—*detecting a change of the hierarchical structure*-- located on the source server, using the name, size, and date of creation or modification—*change tracking value of said hierarchical structure*--of the file in the directory tree. The source server obtains the update which indicates added, modified, and deleted files as represented in the tree directory files—

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container entries--, and subdirectory files—*leaf entries--* of the first and second tree versions (fig. 5A-B)—*first, and second difference information corresponding to changes of hierarchical structure of container and leaf entries --* (col. 1, lines 56-50, col.6, line 66-col.7, line 12, col.10, lines 39-col. 11, line 67).

Furthermore, Saether discloses copying—*transmitting--* each individual different or changed file—directory, or subdirectory in the trees—*detecting a change of the hierarchical structure—*from the source server to the primary global, and content servers. The change indicates added, modified, and deleted files as represented in the tree directory files—*container entries--*, and subdirectory files—*leaf entries--* of the first and second tree versions (fig. 5A-B)—*first, and second difference information --* (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67). Saether fails to explicitly disclose *generating means for generating first message and second message, the first message including said first difference information, and a mask schema for interpreting a filtering mask, the second message including said second difference information and the filtering mask, wherein the filtering mask corresponds to information of one of the leaf entries being directly under one of the container entries*. However, Greer discloses an optional URL field containing a quotient page with a URL—*filtering mask* which is used to hide internet address-- when the address of a web page has been changed or updated (when the address of the web page has not changed, then this field is left empty). There is also a global quotient value—*mask schema for interpreting a filtering mask* for determining a change in a web page-- followed by the date and time of last web page modification—*first difference information of a web page* which contains or is above different objects (*leaf entries--*), and object quotient field followed by the date and time—*second difference information of objects contained in a web page or leaf*

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entry of the hierarchical tree-like structure or web page-- of last modification for an object, such as gif, and ad banner. The quotient page is transmitted as a MIME message to a requesting user (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). In other words the quotient page, along with the global quotient value and date and time—*first difference information*-- of last modification are generated, and transmitted as a MIME message, when there is no new web page address found for a web page. On the other hand, when the new web page address—*filtering mask* -- is found, it along with the global quotient value, and object quotient value—*second difference information*— they are formatted, and transmitted as a MIME message—*separately transmitting said first and second message*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined updating of directory trees by Saether, and tracking of web page updates by Greer, because Greer teaches a mechanism for indicating whether, when, or how much contents of a web page has changed so as to provide a user with the most updated information (col.1, lines 31-47).

Regarding claim 2, which depends on claim 1, Saether discloses copying each individual different or changed file –directory, or subdirectory in the trees from the source server to the primary global, and content servers. The source server adds a date of “creation/modification” to indicate added, modified, and deleted files as represented in the tree directories—*container entries* of the first and second tree versions (fig. 5A-B, 6A-B) (col. 1, lines 56-50, col.6, lines 66- col.7, line 11). Saether fails to explicitly disclose *filtering mask comprises a value based on number of hierarchical level being directly above the one leaf entry*. However, Greer discloses an optional URL field containing a quotient page with a URL—*filtering mask value* which is

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used to hide internet address-- when the web page, and its address have been changed or updated with some changes—*changes to the web page or container*, which contains or is above objects, such as graphic files-- (when the address of the web page has not changed, then this field is left empty) (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined updating of directory trees by Saether, and tracking of web page updates by Greer, because Greer teaches a mechanism for indicating whether, when, or how much contents of a web page has changed so as to provide a user with the most updated information (col.1, lines 31-47).

Regarding claim 3, which depends on claim 1, Saether discloses copying—*transmitting*-- each individual different or changed file—directory, or subdirectory in the trees—*second difference information*—from the source server to the primary global, and content servers. The source server adds a date of “creation/modification”— *second identification information*-- to indicate added, modified, and deleted files as represented in the tree directories, and subdirectories—*leaf entries*-- of the first and second tree versions (fig. 5A-B, 6A-B) (col. 1, lines 56-50, col.6, lines 66-col.7, line 11).

Claim 4 is directed towards a method for implementing the apparatus found in claim 1, and therefore is similarly rejected.

Regarding independent claim 5, Saether discloses the copying or transmitting, updating, and receiving a message--*receiving first, and second message*-- of a tree in a file directory

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structure located on primary global, and content servers, from a tree located in a source server. The primary global, and content servers receive an identification of a different or changed file – directory—*detected first difference information--*, or subdirectory—*detected second difference information--* in the tree-- located on the source server. A date or new version id signifying changes in the tree structure made to the changed directory and subdirectory files—*first, and second identification information*—is added to the directory and subdirectory files respectively. The change indicates added, modified, and deleted files as represented in the tree—*plurality of nodes--* directories—*container entries--*, and subdirectories—*leaf entries--* of the first and second tree versions (fig. 5A-B)—*first, and second difference information*. In this instance, the file directory tree is made up of directories (fig. 5A, ‘A’, ‘B’, and ‘D1’)—*container entries--*, and subdirectory—*leaf entries--* directly underneath directory “D1”, which does not contain any subdirectories beneath it (fig. 5A ‘C’)-- (col. 1, lines 56-50, col.6, line 66-col.7, line 12, col.9, lines 19-67, col.10, lines 39-col. 11, line 67, fig. 6A-B). Saether fails to explicitly disclose *the first message further including a mask schema for interpreting a filtering mask, the second message further including the filtering mask, wherein the filtering mask corresponds to information of one of the leaf entries being directly under one of the container entries*. However, Greer discloses an optional URL field containing a quotient page with a URL—*filtering mask* which is used to hide internet address-- when the address of a web page has been changed or updated (when the address of the web page has not changed, then this field is left empty). There is also a global quotient value—*mask schema for interpreting a filtering mask* for determining a change in a web page-- followed by the date and time of last web page modification—*first difference information of a web page* which contains or is above different objects (*leaf entries--*),

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and object quotient field followed by the date and time—*second difference information* of objects contained in a web page or *leaf entry* of the hierarchical tree-like structure or web page-- of last modification for an object, such as gif, and ad banner. The quotient page is transmitted as a MIME message to a requesting user (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). In other words the quotient page, along with the global quotient value and date and time—*first difference information*-- of last modification are generated, and transmitted as a MIME message, when there is no new web page address found for a web page. On the other hand, when the new web page address—*filtering mask* -- is found, it along with the global quotient value, and object quotient value—*second difference information*—they are formatted, and transmitted as a MIME message—*separately transmitting said first and second message*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined updating of directory trees by Saether, and tracking of web page updates by Greer, because Greer teaches a mechanism for indicating whether, when, or how much contents of a web page has changed so as to provide a user with the most updated information (col.1, lines 31-47).

Furthermore, Saether discloses the updating—*managing*—tree directories whose files or components have been updated. A selective update is performed of the tree directories being managed, where subdirectories changes are obtained, and the trees in the primary global, and content servers are updated with the obtained changes (fig. 5A-B, “C”, “E”, “F”, fig. 6A-B, “F3”, “F4”, col. 1, lines 56-50, col.9, lines 20-67, col.10, lines 39-col. 11, line 67).

Regarding claim 6, which depends on claim 1, Saether discloses identifying each individual difference or changes in the file subdirectory—*leaf entry*-- which is located in the tree,

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directly below a directory—*container*—identified by a name and version number, such as “F1.RCA”, and its version value “1.2”. The directories, and subdirectories receive updates and changes—*messages* containing those changes-- according to the changes made to the files represented in the tree directory structure (col. 1, lines 56-50, col.10, lines 39-col. 11, line 67, col. 12, lines 11-67, and fig. 6A-B).

Claim 7 is directed towards a method for implementing the apparatus found in claim 5, and therefore is similarly rejected.

Regarding independent claim 8, limitations: *first managing means.....generating means* are directed to similar limitations found in claim 1, and therefore are similarly rejected.

Further, Saether discloses copying—*transmitting*-- each individual different or changed file –directory, or subdirectory in the trees—*first, and second difference information*—from the source server to the primary global, and content servers. The source server adds a date of “creation/modification”—*first, and second identification information*-- to indicate added, modified, and deleted files as represented in the tree directories—*container entries*--, and subdirectories—*leaf entries*-- of the first and second tree versions (fig. 5A-B, 6A-B, col. 1, lines 56-50, col.6, lines 66-col.7, line 11).

Moreover, Saether discloses copying—*transmitting*-- each individual different or changed file –directory, or subdirectory in the trees from the source server to the receiving ends-- primary global, and content servers, which receive the transmitted information. The change indicates added, modified, and deleted files, and their respective “creation/modification dates” as

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represented in the tree directories—*container entries*--, and subdirectories—*leaf entries*-- of the first and second tree versions (fig. 5A-B)—*first, and second message* -- (fig. 5A-B, 6A-B, col. 1, lines 56-50, col.6, lines 66-col.7, line 36).

Moreover, Saether discloses that the primary global updates—*manages, and changes*--, and selectively obtains only the modified/added files in the version of its tree directory to reflect the additions modifications of the tree directory of the source server (fig. 5A-B, col. 1, lines 56-50, col.10, lines 56-col.11, line 9).

Claim 9 is directed towards a system implementing the apparatus found in claim 6, and therefore is similarly rejected.

Claim 10 is directed towards a method for implementing the system found in claim 8, and therefore is similarly rejected.

Response to Arguments

14. Applicant's arguments filed 11/22/2004 have been fully considered but they are not persuasive. The Applicant submits that Greer does not teach or suggest a mask schema for interpreting a filter mask (page 14, lines 9-11). The Examiner disagrees, because Greer discloses an optional URL field containing a quotient page with a URL—*filtering mask* which is used to hide internet address-- when the address of a web page has been changed or updated (when the address of the web page has not changed, then this field is left empty). There is also a global quotient value—*mask schema for interpreting a filtering mask* for determining a change in a web

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page-- followed by the date and time of last web page modification—*first difference information of a web page* which contains or is *above* different objects (*leaf entries*)--, and object quotient field followed by the date and time—*second difference information* of objects contained in a web page or *leaf entry* of the hierarchical tree-like structure or web page-- of last modification for an object, such as gif, and ad banner(col. 5, line 16-53, col.6, lines 1-67, fig. 6-8).

Moreover, the Applicant submits that Greer does not teach or suggest generating means for generating a first and second message, mask schema, and filtering mask (page 14, lines 17-22). The Examiner disagrees, because Greer discloses an optional URL field containing a quotient page with a URL—*filtering mask* which is used to hide internet address-- when the address of a web page has been changed or updated (when the address of the web page has not changed, then this field is left empty). There is also a global quotient value—*mask schema for interpreting a filtering mask* for determining a change in a web page-- followed by the date and time of last web page modification—*first difference information of a web page* which contains or is *above* different objects (*leaf entries*)--, and object quotient field followed by the date and time—*second difference information* of objects contained in a web page or *leaf entry* of the hierarchical tree-like structure or web page-- of last modification for an object, such as gif, and ad banner. The quotient page is transmitted as a MIME message to a requesting user (col. 5, line 16-53, col.6, lines 1-67, fig. 6-8). In other words the quotient page, along with the global quotient value and date and time—*first difference information*-- of last modification are generated, and transmitted as a MIME message, when there is no new web page address found for a web page. On the other hand, when the new web page address—*filtering mask* -- is found, it along with the global quotient value, and object quotient value—*second difference information*—

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they are formatted, and transmitted as a MIME message—*separately transmitting said first and second message*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined updating of directory trees by Saether, and tracking of web page updates by Greer, because Greer teaches a mechanism for indicating whether, when, or how much contents of a web page has changed so as to provide a user with the most updated information (col.1, lines 31-47).

Claims 4-5, 7-8, and 10, are rejected at least based at least on the same rationale above in light of the newly introduced amendment.

Conclusion

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Any response to this Action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)

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CESAR PAULA
PRIMARY EXAMINER
2/22/05